

AUG 25 2004

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Edward S. Sherman, Ph.D.  
Patent Attorney

**Fax**

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**To:** Reginald L. Alexander, Primary Examiner **From:** Edward S. Sherman  
**Fax:** 703) 872-9306 ~~8703~~ 872-9306 **Pages:** 3  
**Phone:** 571-272-1395 **Date:** 8/25/2004  
**Re:** App. Serial No. 10/043,814 **Docket #:** 137.19

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Sir,

Per my earlier phone message, please find attached an executed Power of Attorney and Statement under 37 CFR 3.73(b) admitting me in the captioned application. I am sending you these documents, as well as submitting to the PTO's central fax number, in the hope of arranging a telephone interview in the next several days, as I would like to file a response on behalf of my client before the expiration of the 3-month period on August 30, or as appropriately reset as requested below.

Further, I wish to point out that on page 3 of your office action of 4/30/2004 you assert the following without citation to legal authority:

*"since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimal or working ranges involves only routine skill in the art"*

Please provide the legal authority for this holding.

Further, as the absence of a citation to legal authority constitutes a defect in the original office action, in that it is not complete as required under 37 CFR 1.104(b) and MPEP 707.06. Therefore, I **respectfully request that a new period for reply be set as called for under MPEP 710.06**. Accordingly, the new period for reply should be reset for at least 5 days from the date at which you supply the above legal authority, or otherwise amend the office action.

I wish to apologize for this inconvenience on behalf of the earlier attorney of record in the case, who did not notice this deficiency in your action of 4/30/2004.

Sincerely,

  
Edward S. Sherman, Esq.

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Application Number	10/043,814
Filing Date	01/10/2002
First Named Inventor	Cheng
Title	Coolware with undulating cooling surface
Group Art Unit	1761
Examiner Name	Alexander, Reginald
Attorney Docket Number	187.19

I hereby appoint:

☒ Practitioners at Customer Number **30480**OR  
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as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all  
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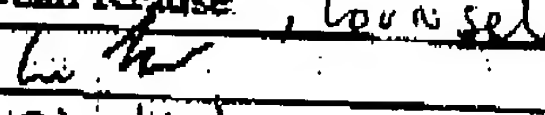
Fax

707) 528-6015

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/06).

SIGNATURE of Applicant or Assignee of Record

Name	Dean Krause
Signature	
Date	8/24/04

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of \_\_\_\_\_ forms are submitted.

Bureau Hour Statement: This form is estimated to take 5 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: MEYER MANUFACTURING COMPANY LIMITEDApplication No./Patent No.: 10/043,814 Filed/Issue Date: 01/10/2002Entitled: Cookware with undulating cooking surfaceMEYER MANUFACTURING COMPANY LIMITED a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 013085, Frame 0888, or for which a copy thereof is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
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[ ] Additional documents in the chain of title are listed on a supplemental sheet.

- [ ] Copies of assignments or other documents in the chain of title are attached.  
(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

x 8/24/4

Date

707 551-2951

Telephone number

Dean Krueger, Esq.

Typed or printed name

X 

Signature

General Counsel

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a patent by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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